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**REMARKS**

Applicant has cancelled all of the originally filed claims 34-53, inclusive. New claims 54-62, inclusive, have been added to better encompass the full scope and breadth of the invention notwithstanding Applicant's belief that the claims would have been allowable as originally filed. Accordingly, Applicant asserts that no claims have been narrowed within the meaning of *Festo*.

**I. Pro Se Request For Constructive Assistance**

If, for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP §707.07(j) in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

**II. Rejection of Claims 34-53 Under 35 U.S.C. §103(a) as being anticipated by Nixon in view of Ong and Inakoshi**

Neither Nixon nor Ong nor Inakoshi teach the second or third step of Claim 54, "determining at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number from at least one of a filename, file date, and file time of said one or more files in said file directory" and "determining when and how often to monitor whether said new file can be found in said file directory from said at least one of a start time, end time, polling interval, publishing interval, volume number, and issue number".

Ong does not teach resource notification whereas Nixon and Inakoshi do. However, neither Nixon nor Inakoshi teach specific improvements of Applicant for monitoring of new resources that periodically enter the public domain. Ong does not teach learning information from a filename itself or from the directory date and time of the file.

Applicant teaches how to determine when and how often a network resource is monitored based on analyzing prior date and time history of other files accessible from the network resource that have been previously released into the public domain thereby minimizing the amount of resources used to monitor for new files entering into the public domain at a later date.

**III. Notice of References Cited, PTO-892**

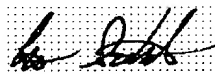
Applicant has carefully reviewed the references cited but not applied. Applicant respectfully submits that none of those references, alone or in any combination, remedy the deficiencies of the applied art, nor teach or suggest the claimed invention alone or in any combination.

IV. **Conclusion**

For all of the above reasons, the present application and pending claims 54-62, as amended, are believed to be in condition for allowance. Applicant respectfully requests the Examiner to issue a formal Notice of Allowance directed to claims 54-62, inclusive.

Should the Examiner believe that telephone correspondence would be helpful to expedite favorable prosecution, the Examiner is invited to contact the Applicant at the telephone number listed below.

Respectfully submitted,



August 26, 2004

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